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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,392	08/16/2001	Bryan K. Hicks	14591.10	1575

22913 7590 07/02/2003

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EXAMINER
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HO, THOMAS Y

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 07/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application N .

09/931,392

Examiner

Thomas Y Ho

Applicant(s)

HICKS ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address.--

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(I) Claims 1, 3-4, 6-13, 15-17, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Birchmire USPN4932362.

As to claims 1, 3-4, 6-13, 15-17, and 21, Birchmire discloses:

- A lanyard connector body 20/24 that is configured to be coupled to the ends of a lanyard substrate 18.
- A coupling portion 20b extending from the lanyard connector body to thereby allow selective coupling of an attachment 22 to the lanyard connector and selective decoupling of the attachment from the lanyard connector.

The lanyard connector body comprises:

- A female body portion 24 that is configured to be coupled to the ends of the lanyard substrate.
- The female body portion having a proximal portion and a distal portion.
- The proximal portion of the female body portion is configured to be coupled to the ends of the lanyard substrate.
- A male body portion 20 having a proximal portion and a distal portion.

- The proximal portion of the male body portion being selectively coupled to the distal portion of the female body portion.
- The coupling portion extends from the distal portion of the male body portion such that a user can: (A) selectively attach an attachment to the coupling portion; and (B) selectively attach the male body portion 20 to the female body portion 24.
- The male body portion comprises first and second protuberances (Fig.7c) that are flexible enough to be coupled into the female body portion and are rigid enough to be maintained within the female body portion until the user removes the protuberances. It is clear that the male portion 20 in Birchmire is rigid, but at the same time, 20 is “flexible ENOUGH to be coupled into the female body portion” as shown in Fig.1 where the portions are connected.
- The first and second protuberances each include a notched portion 67 configured to selectively contact first and second respective shoulders 57 located in the distal portion of the female body portion 24.
- The notched portions 67 of the first and second protuberances are located between proximal and distal ends of the respective protuberances (Fig.7c). Protuberances are on either side of the slot on 20.
- The male body portion comprises an elongate member having proximal and distal surfaces.
- The first and second protuberances each couple to opposing right and left proximal surfaces of the elongate member.
- The coupling portion 20c extends from the distal surface of the elongate member.

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- The coupling portion 20b/20c is configured to receive an attachment 22 rotatably couple to the coupling portion.
- The male 20 and female 24 portions are configured to be nonrotatably coupled to each other, such that the attachment rotates about the coupling portion 20b/20c while the connector body is firmly, nonrotatably secured to the lanyard substrate 18.
- Each of notched portions 67 has a distally oriented face.
- The coupling portion comprises a neck upon which an attachment is selectively mounted.
- The female portion can be a first portion and the male portion can be a second portion.
- Upon removing the protuberances (Fig.7c) from the first portion 24 (i) the first portion of the lanyard connector body remains coupled to the lanyard substrate and (ii) the second portion 20 of the lanyard connector body and an attachment 22 coupled to the coupling portion can be moved away from the first portion of the lanyard connector body.
- The female buckle portion has shoulders 57 configured to receive notched portions 67 located on respective protuberances.
- The female buckle portion 24 receives and retains the first and second ends of the lanyard substrate 18 therein. Any part of 18 can be considered one of the “ends” of the strap.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

(II) Claims 2, 5, 14, 18-20, and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Birchmire USPN4932362 in view of Dennis USPN5148582.

As to claims 2, 5, 14, 18-20, and 22-23, Birchmire discloses:

- A lanyard substrate 18 having first and second ends.
- The second portion 20 of the lanyard connector body is made of plastic.
- A lanyard connector body as disclosed in paragraph (I) above.

Birchmire fails to disclose or suggest:

- The first and second portions of the lanyard connector body are each plastic members.
- The user unbuckles the protuberances by pressing inwardly on the protuberances and moving the first and second portions apart.
- When the protuberances are buckled into respective apertures in the female buckle portion.

Dennis discloses first 10 and second portions 11 of a lanyard connector body that are made of plastic (abstract), wherein the user unbuckles the protuberances 11/12/13/14 by pressing inwardly on the protuberances and moving the first and second portions apart, where the protuberances 11/12/13/14 are buckled into respective apertures 33/34 in the female buckle portion, to make a quick release buckle that is beneficial, well-known, and old within the art. It

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would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the male and female portions disclosed by Birchmire to have protuberances and apertures, respectively, to make the buckle quick release.

***Response to Arguments***

Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US20020148078 to Salentine discloses a connector functioning similarly to both applicant's invention and Birchmire.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Y Ho whose telephone number is (703)305-4556. The examiner can normally be reached on M-F 10:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J Swann can be reached on (703)306-4115. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9326 for regular communications and (703)872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)306-1113.


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TYH

June 25, 2003

  
WILLIAM MILLER  
Primary